



1, 842/400179
File Wrapper Continuing
Application (FWC)
under 37 CFR 1.62
A25/Re
JWC

REQUEST FORM FOR FILE WRAPPER CONTINUING
APPLICATION UNDER 37 CFR 1.62

Docket No. 1123971-303
Anticipated: Class 536
Subclass 23.52
Prior Application: 06/389,922
Examiner J. Martinell
Group Art Unit 1805

Commissioner of Patents
and Trademarks
Box FWC
Washington, DC 20231

Sir:

This is a request for filing a ☐ continuation-in-part ☒ continuation
☐ divisional application, under 37 CFR 1.62 of prior application
Serial No. 06/389,922 filed on June 18, 1982 currently entitled:

NOVEL DNA AND RECOMBINANT PLASMID

Ex Pend. of Time Sent to Enk

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1-00
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The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note: 37 CFR 1.60 may be used for applications where the prior application is not abandoned.)

1. ☐ Enter the amendment previously filed on _____ under 37 CFR 1.116 but unentered, in the prior application.
- 2a. ☐ A preliminary amendment is enclosed.
- 2b. ☒ The applicant(s) presently intend(s) to file additional papers in this case after receiving an official Filing Receipt. Should the Examiner take this up for action before receiving such papers, it is respectfully requested that the Examiner contact the attorneys for the applicant(s) at the telephone number shown below.

- 3a. The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 1 and 2 above:

EXISTING CLAIMS

FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$365°/\$730
TOTAL CLAIMS	36-20	16	x \$11° x \$22	352
INDEP. CLAIMS	13-3	10	x \$38° x \$76	760
Fee for Multiple Dependent Claims \$115°/\$230				---
TOTAL FILING FEE				\$1842

- 3b. ☐ °Verified Statement claiming small entity status is enclosed or was filed in a prior application.
- 3c. ☒ The Commissioner is hereby authorized to charge any fees which may be required during the entire pendency of this application under 37 CFR 1.16 and 1.17, or to credit an overpayment, to Deposit Account No. 23-1703. A duplicate copy of this sheet is enclosed.
- 4a. ☒ A check in the amount of \$ 1842.00 is enclosed.
- 4b. ☐ The filing fee will be supplied later.
5. ☐ Since this application is a continuation-in-part which discloses and claims additional matters, a new oath or declaration ☐ is included ☐ will be supplied later.

6. ☒ Amend the specification by inserting before the first line the sentence:

--This application is a ☐ continuation-in-part ☒ continuation ☐ division, of application Serial No. 06/389,922,^{new division} filed on June 18, 1982, which is a divisional of application Serial No. 06/201,359 filed October 27, 1980, and issued as U.S. Patent No 5,326,859 on July 5, 1994.--

7. ☒ Priority of the following application(s) is claimed under 35 U.S.C. 119:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Mo/Da/Yr)</u>
Japan	139289/79	10/30/79
Japan	33931/80	03/19/80

8. ☒ The prior application is assigned of record to:

Juridical Foundation, Japanese Foundation for Cancer Reserach

9. ☒ The power of attorney in the prior application is to:

Nels T. Lippert (Reg. No. 25,888); Edward V. Filardi (Reg. No. 25,757); Robert B. Smith (Reg. No. 28,538); and Dimitrios Drivas (Reg. No. 32,218).

10. ☒ Recognize as Associate Attorneys:

David Bender (Reg. No. 35,445); Cecilia O. Lofters (Reg. No. 33,434); William A. Schoneman (Reg. No. 38,047); John Scheibeler (Reg. No. 35,346); Richard J. Sterner (Reg. No. 35,372) and Hans-Peter Hoffmann (Reg. No. 37,352).

11. ☒ Also enclosed:

A copy of a Petition for Extension of Time for three months to respond to the Office Action dated September 7, 1994 filed in parent application Serial No. 06/389,922.


12. ☒ Applicants' undersigned attorney may be reached by telephone in our New York Office at:

(212) 819-8582

13. ☒ Address all future communications to:

WHITE & CASE
Patent Department
1155 Avenue of the Americas
New York, New York 10036-2787

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

By 

Nels T. Lippert
Registration No. 25,888
Applicants' Attorney

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